

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CASE NO. 14-cr-20506  
HON. GERSHWIN A. DRAIN

ERIC D. BURTON

Defendant.

**ORDER GRANTING THE GOVERNMENT'S MOTION IN LIMINE [#27] AND  
DENYING DEFENDANT'S MOTION IN LIMINE [#28] AND GRANTING  
DEFENDANT'S ORAL MOTION IN LIMINE TO ADMIT THE ENTIRE DISPATCH  
RECORDING**

On February 17, 2015, the Government made an oral motion to exclude evidence of search warrants for a home neighboring the scene of the crime. Later the same day, the Government filed a Motion in Limine. Doc. No. 27. The Government sought to exclude, in particular, evidence of search warrants and the execution of search warrants issued on June 16, 2014, and August 24, 2014. *Id.* The Government also sought to exclude the admission of climatological data printouts for the day that Defendant's arrest occurred. *Id.* On February 18, 2015, Defendant filed a formal Motion in Limine to Allow Defendant to Present His Theory of Defense. Doc. No. 28 (moving for the inclusion of the search warrants).

In addition, on February 18, 2015, the Government made an oral motion objecting to the admission of the entirety of the dispatch recording of Detroit Police Officer John McKee and Officer Michael Manzella. While the parties have stipulated to the recording's entry into

evidence, *see* Doc. No. 29, the parties disagreed as to whether the entire 11-minute recording should be played before the jury.

For the reasons stated on the record, the Court **HEREBY ORDERS** the following:

The Government's Motion in Limine to exclude search warrants and the execution of search warrants and to exclude a climatological data printout [#27] is **GRANTED**.

Defendant's Motion in Limine to Allow Defendant to Present His Theory of Defense [#28] is **DENIED**.

Defendant's oral Motion in Limine to include the entirety of the dispatch recording of Officers McKee and Manzella is **GRANTED**.

IT IS SO ORDERED.

/s/Gershwin A Drain

HON. GERSHWIN A. DRAIN

UNITED STATES DISTRICT COURT JUDGE

Dated: February 19, 2015